D. REMARKS

Claims Status

Claims 1-5, 7-14, 16-23, and 25-27 are pending in the application. Claims 6, 15, and 24 are cancelled. Claims 1-3, 10-12, 19 and 21 are amended.

35 USC 112

Claims 1, 10, and 19 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. [Office Action dated 1/25/2005, p. 2] In particular, as grounds for the rejection under 35 USC 112, the Examiner states:

> The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), as the time the application was filed, had possession of the claimed invention. The limitation "independent of a specific selection of one from among minimizing said window element and maximizing said window element", on lines 3-5, 5-6 and 5-6 of claims 1, 10 and 19 respectively, is not positively recited in the specification of the present application. The specification states, on lines 6-10 of page 9 "Activity may include use of the window element, adjustment to the transparency of the window element representation or current resource usage associated with the window element. In addition, activity may include periods of inactivity." However, the cited passage merely states that detecting current activity of a window element may include activities such as use of the window element, adjustments to the transparency, et c., and does not positively recite the exclusion of a selection from one of minimizing and maximizing a window element. Therefore, there is no positively recited basis for the negative limitation of "independent of a specific selection of one from among minimizing said window element and maximizing said window element.". [Office Action, pp. 2-3]

Regardless of whether the Examiner's interpretation of the lack of teaching in the specification is correct, Applicants amend claims 1, 10, and 19 to cancel the element of "independent of a specific selection of one from among minimizing said window element and maximizing said window element" and add the following positively recited limitation of "current activity" that reads wherein said current activity comprises at least one activity from among use of a graphics card in association with said window element, a number of threads used in

association with said window element, an amount of data storage used in association with said window element, a net network bandwidth used in association with said window element, and an amount of memory used in association with said window element. Applicants note that this positive limitation of "current activity" finds basis throughout the specification, and, in particular, on page 16, lines 4-21 and page 18, line 29 through page 19, line 3 and in the figures in Figure 4 and Figure 6.

In particular, page 16, lines 4-21 supports the amendment of current activity comprising "an amount of memory used in association with said window element" in the teaching of:

> According to one advantage of the present invention, windows may be z-ordered according to multiple criteria. Here, memory usage associated with each window is utilized as the z-ordering criteria, where the window utilizing the least memory is displayed at the top of the z-order. Therefore, according to the graphical display, a user may easily determine that "appl #2" is utilizing the most memory of the application windows currently active.
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> According to another advantage of the present invention, criteria may be designated for minimizing and maximizing window representations according to resource usage. Here, a criteria is designated to minimize the window with the greatest memory usage if the total memory usage is greater than 80% of the memory available. Therefore, the minimized representation of window 54 indicates that window 54 utilizes the greatest memory usage where the total memory usage is greater than 80% of the memory available

In addition, in particular, page 18 line 29 through page 19, line supports the amendment current activity comprising one of "use of a graphics card in association with said window element, a number of threads used in association with said window element, an amount of data storage used in association with said window element, a net network bandwidth used in association with said window element," in the teaching of:

> Resource usage preferences 74 are distinguished according to resource usage. In the examples, windows are minimized or maximized according to memory usage and sound card usage. In addition, resource usage may include, but is not limited to graphics card usage, number of CPUs used, total usage of each CPU, number of threads used, data storage usage and net bandwidth.

Therefore, because the previously rejected amendment to claim 1 is cancelled and current amendments each have a positively recited basis in the specification, Applicants respectfully request removal of the rejection under 35 USC 112 and allowance of claims 1, 10, and 19.

In addition, claims 6, 15, and 24 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. [Office Action dated 1/25/2005, p. 3] Claims 6, 15, and 24 are cancelled and therefore, Applicants respectfully request removal of the rejection under 35 USC 112 and allowance of the remaining claims.

35 USC § 102(b)

Claims 1-8, 10-17, and 19-26 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gelsinger et al. (U.S. Patent 5,892,511) (hereinafter referred to as Gelsinger). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksma*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Applicants request allowance of claims 1-8, 10-17, and 19-26 in view of the amendments and arguments hereafter.

Claims 1, 10 and 19

With respect to claims 1, 10, and 19, the Examiner cites Gelsinger as teaching the method, system and program of claims 1, 10, and 19, respectively. [Office Action, p. 4] In particular, amended claim 1 currently reads:

> 1. **(Currently Amended)** A method for automatic window representation adjustment, said method comprising the steps of:
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> detecting current activity of a window element within a graphical interface, wherein said current activity comprises at least one activity from among usage of a graphics card in association with said window element, a number of threads used in association with said window element, an amount of data storage used in association with said window element, a net network bandwidth used in association with said window element, and an amount of memory used in

association with said window element~~, independent of a specific selection of one from among minimizing said window element and maximizing said window element~~; and

automatically performing at least one of minimizing said window element and maximizing said window element to reflect said current activity, such that a representation of said window element is graphically represented, wherein minimizing said window element comprises reducing said window element from a graphical window to a graphical icon representing said graphical window, wherein maximizing said window element comprises increasing said window element from a minimized graphical icon representing said window element to a full graphical window.

Regarding claim 1, the Examiner cites Gelsinger as teaching the element of detecting current activity of a window element within a graphical interface through the disclosure of "checking whether a minimized window is being pointed to" at col. 9, lines 57-67. [Office Action, p. 4] Col. 9, lines 57-67 read:

> "Thus, by knowing the location of the minimized windows, the window selection agent may readily identify when a particular minimized window is being pointed to, and then expand that window. The selection agent then displays the window being pointed to in an expanded form, step 615. Additionally, in step 615, the remaining windows, but not the TaskBar, are made either translucent, or, alternatively are hidden. The selection agent then checks whether a new minimized window is being pointed to, step 620."

Thus, Applicants note that the Examiner equates "current activity" with pointing to a minimized window.

In addition, regarding claim 1, the Examiner cites Gelsinger as teaching the element of automatically performing at least one of minimizing said window element and maximizing said window element to reflect said current activity, such that a representation of said window element is graphically represented, wherein minimizing said window element comprises reducing said window element from a graphical window to a graphical icon representing said graphical window, wherein maximizing said window element comprises increasing said window element from a minimized graphical icon representing said window element to a full graphical window through the disclosure of "upon detecting that a minimized window icon, or button on the taskbar is being pointed to, the interface displays the minimized window in expanded form,

or maximizes the window from a minimized icon/button on the taskbar to an expanded window, to reflect activation of the window" as col. 9, line 51 through col. 10 line 19. [Office Action, p. 4] Thus, Applicants note that the Examiner equates automatically minimizing or maximizing a window element to reflect current activity, where the current activity is a minimizing icon on the taskbar.

Applicants respectfully note that Gelsinger teaches determining which minimized window is pointed to and automatically expanding that window. Gelsinger does not teach automatically expanding a window responsive to any current activity other than a minimized icon or window being pointed to. In particular, Gelsinger does not teach automatically detecting other current activity, such as usage of a graphics card in association with a window element, a number of threads used in association with a window element, an amount of data storage used in association with a window element, a net network bandwidth used in association with a window element, or an amount of memory used in association with a window element and minimizing or maximizing the window element responsive to that other current activity. Applicants note, with reference to the response to the 112 rejection, that the present invention teaches detecting current activity and automatically minimizing or maximizing a window based on that current activity. Current activity includes usage of a graphics card in association with a window element, a number of threads used in association with a window element, an amount of data storage used in association with a window element, a net network bandwidth used in association with a window element, or an amount of memory used in association with a window element. The specification supports the amended elements throughout, and in particular, on page 16, lines 4-21 and page 18, line 29 through page 19, line 3 and in the figures in Figure 4 and Figure 6. Thus, Applicants respectfully note that where claim 1 is amended to teach current activity, not merely pointing to a window element, Gelsinger does not teach all the elements of amended claim 1. In conclusion, Applicants respectfully request allowance of amended claim 1, which is no longer anticipated by Gelsinger. In addition, Applicants respectfully request allowance of claims 10 and 19 for the same reasons, where claims 10 and 19 are rejected on the same grounds as claim 1 and are amended in a similar manner as claim 1.

Claims 2-8, 11-17, and 20-26

Claims 2-8, 11-17, and 20-26 are dependent on independent claims 1, 10, and 19. Claims 1, 10, and 19 are amended for allowance. Thus, Applicants first note that claims 2-8, 11-17, and 20-26 are dependent upon an allowable independent claim and request allowance of these dependent claims. Second, Applicants note that even if claims 1, 10, and 19 are not allowable, claims 3, 12, and 21 are not anticipated by Gelsinger and therefore are separately allowable. Additionally, Applicants note that claims 2, 3, 11, and 12 are amended for reflecting proper antecedent basis from the previous amendments to claims 1 and 10.

Claims 3, 12, and 21

With respect to claims 3, 12, and 21, the Examiner cites Gelsinger as teaching the method, system and program of claims 3, 12, and 21, respectively. [Office Action, p. 5] In particular, amended claim 3 reads:

> 3. **(Currently Amended)** The method for automatic window representation adjustment according to claim 1, said step of automatically performing [adjusting] further comprising the step of:
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> automatically adjusting a size of said window element when performing one of minimizing said window element and maximizing said window element to a preselected size specified by a user in a selection of preferences designated in association with performing one of minimizing said window element and maximizing said window element to reflect said current activity.

The Examiner rejects claims 3, 12, and 21 on the grounds that "Gelsinger et al. teach automatically adjusting a size of the window element (automatically displaying the minimized window in expanded form upon detection of the window being pointed to) (column 9, lines 57-60)." [OfficeAction, p. 5] Thus, the Examiner associates adjusting a size with maximizing a minimized window. Applicants have amended claims 3, 12, and 21 to clarify that the size of the window element is an additional display attribute selected when minimizing or maximizing the window element and is prespecified by the user in a selection of preferences specified in

association with minimizing and maximizing window elements to reflect current activity. The specification supports the amendment to claims 3, 12, and 21, in particular, at page 19, lines 16-26 which read:

> In addition to designating whether to minimize or maximize a window, a user may also specify attributes of the representation that is minimized or maximized. For example, when a window is being minimized, the user may specify whether the window representation is to be a selectable icon or part of a selectable pop-up list. Further, the transparency attribute, position, and other graphical characteristics may be designated. When a window is being maximized, the user may specify the size of the open representation, the position of the open representation, the transparency and hue of the open representation, and the z-order position of the open representation.

In conclusion, Applicants respectfully request allowance of amended claim 3, which is no longer anticipated by Gelsinger. In addition, Applicants respectfully request allowance of claims 12 and 21 for the same reasons, where claims 12 and 21 are rejected on the same grounds as claim 3 and are amended in a similar manner as claim 3.

35 USC § 103(a)

Applicants note the responsibility under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made. Applicants note that all claims are commonly owned.

Claims 9, 18, and 27

Claims 9, 18, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gelsinger in view of Hall Jr. et al. (US Patent Number 6,108, 003) (hereafter referred to as Hall Jr.). [Office Action, p. 7] The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. The Examiner does not carry the burden of proving a prima facie case of obviousness for claims 9, 18, and 27 and therefore Applicants respectfully request allowance of claims 9, 18, and 27.

First, because Gelsinger does not anticipate claims 1, 10, and 19, at least by virtue of their dependency on claims 1, 10, and 19, the combination of claims 1, 10, and 19 with

dependent claims 9, 18, and 27 does not satisfy the requirements for obviousness under 35 U.S.C. 103(a). Because obviousness is not established for claims 9, 18, and 27, Applicants respectfully request allowance of claims 9, 18, and 27.

Second, with regards to claims 9, 18, and 27, dependent method claim 9, which is representative of dependent system claim 18 and dependent computer program product claim 27, with regard to similarly recited subject matter and rejection, reads as follows:

> 9.**(Previously Amended)** The method for automatic window representation adjustment according to claim 7, said method further comprising the step of:
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> performing at least one of minimizing and maximizing each of said plurality of window elements in response to adjusting said alpha levels of each of said plurality of window elements, wherein minimizing each of said plurality of window elements comprises reducing a graphical window from among said plurality of window elements to a graphical icon representing said graphical window, wherein maximizing each of said plurality of window elements comprises increasing a graphical icon representing a window element from among said plurality of window elements to a graphical window.

Regarding claims 9, 18, and 27, the Examiner cites the following rejection:

> Specifically, Gelsinger et al. teach minimizing and maximizing each of the plurality of window elements in response to an event, wherein minimizing and maximizing each of the plurality of window elements comprises reducing a graphical window from among the plurality of window elements to a graphical icon representing the graphical window, wherein maximizing each of the plurality of window elements comprises increasing a graphical icon representing a window element from among the plurality of elements to a graphical window (upon detecting that a minimized window icon, or button on the taskbar is being pointed to, the interface displays the minimized window in expanded form, or maximizes the window from a minimized icon/button on the taskbar to an expanded window, to reflect activation of the window) (Gelsinger et al: col. 9, line 51 through col. 10 line 19). However, Gelsinger et al. fails to explicitly teach minimizing or maximizing the window elements in response to adjusting the alpha levels of each of the plurality of window elements. Hall Jr. et al. teach an interface for displaying a plurality of window elements (changing the color, shade, or intensity of the displayed window elements on the presentation space)(Hall Jr. et al.: column 4, lines 19-31). It would have been obvious to one of ordinary skill in the art, having the teachings of Gelsinger et al. and Hall, Jr. et al. before him at the time the invention was made, to modify the interface for minimizing or

> maximizing each of a plurality of window elements in response to an event of Gelsinger et al. to include adjustment of alpha levels of window elements, taught by Hall Jr. et al. in order to obtain an interface that will minimize or maximize a plurality of window elements in response to an event such as a change in the alpha levels of the window elements. One would have been motivated to make such a combination in order to produce a user friendly interface that will easily notify a user in a windowed computer environment of changes in the status or state of executing applications while minimizing the use of screen space when conveying information to users. [Office Action, pp. 7-8]

To establish a prima facie case of obviousness, there must be a suggestion or motivation to modify the references. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438, 1442 (Fed Cir. 1991). In particular, the teaching, suggestion or motivation to combine or modify the teachings of the prior art to produce the claimed invention must be found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art and the examiner must explicitly point to the teaching within the reference suggesting the proposed modification. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Absent such a showing, the Examiner has impermissibly used "hindsight" occasioned by Applicants' own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 USPQ2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F.2d 115, 117, 10 USPQ2d 1397, 1398 (Fed. Cir. 1989). In addition, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Applicants respectfully note that the Examiner does not show, nor does Gelsinger teach, a suggestion or motivation to modify Gelsinger by Hall Jr. to teach the claimed invention as a whole and in particular performing at least one of minimizing and maximizing each of said plurality of window elements in response to adjusting said alpha levels of each of said plurality of window elements, wherein minimizing each of said plurality of window elements comprises reducing a graphical window from among said plurality of window

elements to a graphical icon representing said graphical window, wherein maximizing each of said plurality of window elements comprises increasing a graphical icon representing a window element from among said plurality of window elements to a graphical window.

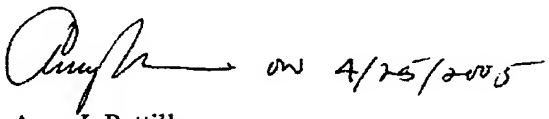
In particular, there is no suggestion or motivation to modify Gelsinger by Hall Jr. because, when viewed as a whole, Gelsinger discloses minimizing or maximizing windows based on whether window icon or button is being pointed to, not based on an "event". The Examiner cites Gelsinger as teaching "minimizing and maximizing each of the plurality of window elements in response to an event" based on the teaching that "upon detecting that a minimized window icon, or button on the taskbar is being pointed to, the interface displays the minimized window in expanded form, or maximizes the window from a minimized icon/button on the taskbar to an expanded window, to reflect activation of the window." Applicants respectfully assert that Examiner's characterization that Gelsinger suggests minimizing or maximizing window elements responsive to any input other than detecting particular window elements being point to, is erroneous. Gelsinger does not suggest, nor is there motivation, to minimize or maximize window elements responsive to other events, such as the adjustment of transparency of the windows. Therefore, because Gelsinger does not suggest or motivate minimizing or maximizing window elements responsive to events other than user directed pointing to a minimized window icon or button on the taskbar, Gelsinger does not suggest or motivate modification by Hall Jr. Applicants respectfully assert that prima facie obviousness is not established for claims 9, 18, and 27 because there is no suggestion or motivation to modify Gelsinger in view of Hall Jr. under 35 U.S.C. §103(a). Because a prima facie case of obviousness is not established, Applicants respectfully request that Examiner reverse the rejection of claims 9, 18, and 27 and allow the claims.

Conclusion

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

In addition, The Commissioner is authorized to charge payment of any necessary fees or credit any overpayments to deposit account 09-0447.

Respectfully submitted,



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